



10/1/03

FINAL PASSAGE

HBs 4632-33 (Van Regenmorter)

House Bills 4632-33 would increase the penalties for throwing, propelling or dropping an object on a vehicle by enhancing the penalties depending on the damage to the vehicle and/or the injuries to the victim. Currently, the crime of throwing an object at a vehicle is a misdemeanor regardless of the injuries sustained by the driver of the vehicle. Penalties would range from a 93-day misdemeanor to a 15-year felony if the offense causes the death of another person. The Prosecuting Attorneys Association of Michigan (PAAM) supports these bills.

HB 4632:

- HB 4632 passed with IE [RC 433: 34 yes, 0 no].

HB 4633:

- HB 4633 passed with IE [RC 434: 35 yes, 0 no].

HB 4715 (Nofs)

House Bill 4715 would allow district court magistrates to use current technology to issue a search warrant by any electronic or electromagnetic means of communication (i.e. facsimile). Currently, a district court magistrate can only issue search warrants in person except in cases involving drunk driving. In drunk driving cases, the magistrate is allowed to use electronic means to issue a warrant. The Prosecuting Attorneys Association of Michigan and the Michigan Supreme Court support this bill.

- HB 4715 passed with IE [RC 435: 35 yes, 0 no].

THIRD READING

SB 224 (Goschka)

"Children's Memorial Day"

A bill to declare that the fourth Friday in April of each year shall be known as "Children's Memorial Day." This encourages individuals, educational institutions, social community, religious, labor and business organization to pause on that day and reflect on the precious resource of our children and the great loss we suffer when we lose them.

- SB 224 was moved to 3rd Reading. No amendments.

SB 474 (Garcia)

“Payday Lending”

Senate Bill 474 would regulate the payday loan industry by requiring payday lenders to be licensed by the Office of Financial and Insurance Services (OFIS), pay an operating fee to be determined by the Commissioner, require certain disclosure in a written agreement, limit a loan to \$1,000 with no rollovers, allow for an 18% service fee for each transaction, and establish penalties for violations.

Support: Check-N-Go, Cottonwood Financial -- The bill would establish regulation of an industry that has grown significantly since 1990. The bill would prohibit the ability to roll over a loan which typically results in additional fees. The bill also would allow a 24 hour right of rescission under which an individual could cancel the transaction at no cost and for any reason. The bill would require a payday loan to be documented by a written agreement and requires the lender to disclose that a loan is intended for short-term needs.

Opposed: Office of Financial and Insurance Services, Michigan Consumer Federation, Michigan Advocacy Project, AFL-CIO, AARP, UAW -- The 18% service fee charged on these loans would be exorbitant. 18% on a \$100.00 loan for two weeks amounts to 468% annual percentage rate.

- Committee 1 (S-4) was adopted [no RC].
- Scott 2 (S-5) was defeated [no RC]. Dems: This substitute is far more consumer friendly. It lowers the fee from 18% to 10%. It also establishes a state-wide database to track payday lending practices.
- SB 474 was moved to 3rd Reading.

SB 725 (Kuipers)

Senate Bill 725 eliminates the requirement that a township board adopt its budget 60 days before a new fiscal year begins. Under the bill, the 60-day deadline would be eliminated. Instead a township board would be required to adopt its budget for the next fiscal year by passing a resolution before the new fiscal year began.

Support: MI Township Assn.

- SB 725 was moved to 3rd Reading. No amendments.

HB 4967 (Rocca)

House Bill 4967 requires Macomb County have at least one of the seven members appointed by the county board of commissioners to the County Parks and Recreation Commission be an officer of the homeowners' and property owners' association that represents the largest area geographically and is located within a half-mile of the most frequently used county park.

This bill is designed to give neighborhoods adjacent to Freedom Hill Park more control over what takes place at Freedom Hill County Park. There have been problems with noise, etc. and the homeowners feel they currently have no input on resolving the problem.

The Governor vetoed a substantially similar bill (HB4456) on the grounds that it failed to: 1.) clearly describe the area in which an appointee to the parks and recreation commission could reside, and 2.) apply to all counties (not just Macomb) that might eventually meet the population threshold in the bill. This bill corrects those objections.

- HB 4967 was moved to 3rd Reading. No amendments.